

**IN THE UNITED STATES DISTRICT FOR THE  
EASTERN DISTRICT OF TEXAS,  
SHERMAN DIVISION**

<b>JASON LEE VAN DYKE,</b>	§	
<i>Plaintiff,</i>	§	
<b>v.</b>	§	
	§	
<b>THOMAS CHRISTOPHER</b>	§	<b>NO. 4:18-CV-247-ALM</b>
<b>RETZLAFF, a/k/a DEAN</b>	§	
<b>ANDERSON, d/b/a BV FILES, VIA</b>	§	
<b>VIEW FILES, L.L.C., and VIAVIEW</b>	§	
<b>FILES,</b>	§	
<i>Defendants</i>	§	

**RETZLAFF’S FIRST AMENDED AND SUPPLEMENTAL RESPONSES TO PLAINTIFF’S  
(SECOND) “FIRST SET” OF INTERROGATORIES**

To: Jason Lee Van Dyke, plaintiff pro se.

Defendant Thomas Retzlaff serves these, his first amended and supplemental responses to plaintiff’s (second) “first set” of interrogatories in obedience to the Court’s memorandum opinion and order of April 14, 2020. (Doc. 153.) To the extent not objected to, Retzlaff makes the following answers under oath in accordance with FED. R. CIV. P. 33(b)(3).

The Court ordered Retzlaff to file amended or supplemental answers to:

- (i) Interrogatories 2, 3(c)-(f), 8-10, and 16, to which Retzlaff did not previously answer or object.<sup>1</sup> (Doc. 153, Part II(A).)
- (ii) Interrogatories 3(a), 4-7, 11, 13, and 15, as to which the Court either found Retzlaff’s previous answers inadequate or overruled Retzlaff’s objection. (Doc. 153, Part II(B).)

Previous answers to Van Dyke’s interrogatories that the Court did not order Retzlaff to amend or supplement are not repeated below.

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<sup>1</sup> Retzlaff did not previously answer or object to Van Dyke’s Interrogatories 2, 3(c)-(f), 8-10, and 16 because Retzlaff pointed out he was not required to respond to more than 25 interrogatories. (Doc. 153, Part III.) Although finding for Van Dyke and ordering Retzlaff to respond, the Court nevertheless found Retzlaff’s failure to respond on this ground “substantially justified.” (*Id.*)

## AMENDED AND SUPPLEMENTAL RESPONSES

### INTERROGATORY NO. 2:<sup>2</sup>

Identify Dean Anderson. For the purpose of this interrogatory, Dean Anderson is the person who utilizes, or who previously utilized, the following email address: dean714@yandex.com. If you and Dean Anderson are one and the same person, you must state this fact in your response to this interrogatory.

#### RESPONSE: **Assertions of Privilege.**

- (i) Under the First Amendment to the U.S. Constitution, a party cannot be compelled to disclose the identities of anonymous speakers. *Watchtower Bible and Tract Soc. of New York v. Village of Stratton*, 536 U.S. 150, 166-67 (2002); *Buckley v. American Constitutional Law Foundation, Inc.*, 525 U.S. 182 (1999). “Under our Constitution, anonymous pamphleteering is not a pernicious, fraudulent practice, but an honorable tradition of advocacy and dissent.” *McIntyre v. Ohio Elections Comm.*, 514 U.S. 334, 356 (1995). A court order—even when issued at the behest of a private party—constitutes state action. *New York Times v. Sullivan*, 364 U.S. 254, 265 (1964). Thus, the amputation of a speaker’s First Amendment right of anonymity is subject to limitations with constitutional timbre. It is well settled that this principle applies equally to anonymous speech on the Internet. *Reno v. ACLU*, 521 U.S. 844, 853 (1997); *see also ApolloMedia Corp. v. Reno*, 19 F. Supp. 1081 (N.D. Cal. 1998) (protecting anonymous denizens of [www.annoy.com](http://www.annoy.com), a website “created and designed to annoy” legislators), *aff’d by ApolloMedia Corp. v. Reno*, 526 U.S. 1061 (1999). Because compelled identification affects the First Amendment right of anonymous speakers to remain anonymous, justification for an incursion upon that right requires proof of a compelling interest. *McIntyre*, 514 U.S. at 347. Among other things, a person seeking to discover the identity of an anonymous speaker has the burden to show that disclosure of the identity of the anonymous speaker is necessary because the party seeking disclosure is likely to prevail on all other issues in the case. *See United States v. Caporale*, 806 F.2d 1487 (11<sup>th</sup> Cir. 1986); *Miller v. Transamerican Press*, 621 F.2d 721, 726 (5<sup>th</sup> Cir. 1980). Until plaintiff has made such showing, compelled disclosure of information that would destroy the speaker’s anonymity is premature.
- (ii) Retzlaff asserts that any response might unfairly tend to incriminate him. *See Ohio v. Reiner*, 121 S.Ct. 1252, 1254 (2001) (A “basic function” of the Fifth Amendment “is to protect *innocent* men ... ‘who otherwise might be ensnared by ambiguous circumstances.’”). Van Dyke alleges content published on the “BV Files” blog constitutes “criminal stalking” by Retzlaff. *See* Exhibits 1 and 2; plaintiff’s live pleading. (Doc. 113, ¶ 5.3.)

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<sup>2</sup> Retzlaff did not previously answer or object to this request as it exceeded the maximum number of 25 interrogatories a party may serve.

**INTERROGATORY NO. 3:**

Identify any persons who have care and control over BV Files. This includes, but is not limited to:

- (a) The person who owns the following domain name: viaviewfiles.net.<sup>3</sup>
- (b) The person who pay, or who previously paid for, the registration of the following domain name: viaviewfiles.net.
- (c) Persons who provide, or who previously provided, website hosting services for BV Files.
- (d) Persons who pay for, or who previously paid for, website hosting services for BV Files.
- (e) Persons who pay for, or who previously paid for, services provided to BV Files by Cloudflare, Inc.
- (f) Persons capable of publishing, changing, moderating or editing of any content displayed on BV Files, except in the “comments” section.

RESPONSE: **Answer.** In accordance with the Court’s April 14, 2020, ruling, Retzlaff answers Interrogatory 3(a) that, according to publicly available information,<sup>4</sup> the registered owner of the domain name “viaviewfiles.net” is OnlineNIC, Inc.

**Assertions of Privilege.**

- (i) As to Interrogatory 3(c)-(f),<sup>5</sup> Retzlaff objects under the First Amendment to the U.S. Constitution that a party cannot be compelled to disclose the identities of anonymous speakers. *Watchtower Bible and Tract Soc. of New York v. Village of Stratton*, 536 U.S. 150, 166-67 (2002); *Buckley v. American Constitutional Law Foundation, Inc.*, 525 U.S. 182 (1999). “Under our Constitution, anonymous pamphleteering is not a pernicious, fraudulent practice, but an honorable tradition of advocacy and dissent.” *McIntyre v. Ohio Elections Comm.*, 514 U.S. 334, 356 (1995). A court order—even when issued at the behest of a private party—constitutes state action. *New York Times v. Sullivan*, 364 U.S. 254, 265 (1964). Thus, the

<sup>3</sup> Retzlaff originally objected that the answer this discrete subpart of Van Dyke’s Interrogatory No. 3 was “equally available” to Van Dyke, “as the owners of domain names are public information.” (Doc. 156, Part II(B).) The Court was “not persuaded” that this objection was valid. Citing *Tango Transp., L.L.C. v. Transp. Int’l Pool, Inc.*, 2009 WL 2390312 at \*2 (W.D.La. 2009), the Court held, “The fact that a party could find the information does not necessarily mean the information is not discoverable.” Retzlaff construes the Court’s ruling to mean that his objection to Van Dyke’s Interrogatory 3(a) is overruled and that Retzlaff must answer fully without objection.

<sup>4</sup> See, e.g., [www.whois.net](http://www.whois.net), last accessed April 27, 2020.

<sup>5</sup> Retzlaff did not previously answer or object to these requests as they exceeded the maximum number of 25 interrogatories a party may serve.

amputation of a speaker's First Amendment right of anonymity is subject to limitations with constitutional timbre. It is well settled that this principle applies equally to anonymous speech on the Internet. *Reno v. ACLU*, 521 U.S. 844, 853 (1997); *see also ApolloMedia Corp. v. Reno*, 19 F. Supp. 1081 (N.D. Cal. 1998) (protecting anonymous denizens of [www.annoy.com](http://www.annoy.com), a website "created and designed to annoy" legislators), *aff'd by ApolloMedia Corp. v. Reno*, 526 U.S. 1061 (1999). Because compelled identification affects the First Amendment right of anonymous speakers to remain anonymous, justification for an incursion upon that right requires proof of a compelling interest. *McIntyre*, 514 U.S. at 347. Among other things, a person seeking to discover the identity of an anonymous speaker has the burden to show that disclosure of the identity of the anonymous speaker is necessary because the party seeking disclosure is likely to prevail on all other issues in the case. *See United States v. Caporale*, 806 F.2d 1487 (11<sup>th</sup> Cir. 1986); *Miller v. Transamerican Press*, 621 F.2d 721, 726 (5<sup>th</sup> Cir. 1980). Until plaintiff has made such showing, compelled disclosure of information that would destroy the speaker's anonymity is premature.

- (ii) Retzlaff asserts that any response might unfairly tend to incriminate him. *See Ohio v. Reiner*, 121 S.Ct. 1252, 1254 (2001) (A "basic function" of the Fifth Amendment "is to protect *innocent* men ... 'who otherwise might be ensnared by ambiguous circumstances.'"). Van Dyke has repeatedly alleged that content published on the "BV Files" blog constitutes "criminal stalking" by Retzlaff. *See* Exhibits 1 and 2; plaintiff's live pleading. (Doc. 113, ¶ 5.3.)

#### **INTERROGATORY NO. 4:**

Identify any material and communication relating to Plaintiff that you have sent to or received from KLR. The scope of this request is materials and communications sent or received between March 1, 2018 and January 29, 2020. This interrogatory includes material and communications sent by you or by *any* person acting on your behalf, including your attorneys.

RESPONSE: **Privilege.** Retzlaff asserts that any response might unfairly tend to incriminate him. *See Ohio v. Reiner*, 121 S.Ct. 1252, 1254 (2001) (A "basic function" of the Fifth Amendment "is to protect *innocent* men ... 'who otherwise might be ensnared by ambiguous circumstances.'"). Van Dyke has repeatedly alleged that content published on the "BV Files" blog constitutes "criminal stalking" by Retzlaff. *See* Exhibits 1 and 2; plaintiff's live pleading. (Doc. 113, ¶ 5.3.)

**INTERROGATORY NO. 5:**

Identify any material and communication relating to Plaintiff that you have sent to or received from Denton DA. The scope of this request is materials and communications sent or received between March 1, 2018 and January 29, 2020. This interrogatory includes material and communications sent by you or by *any* person acting on your behalf, including your attorneys.

RESPONSE: **Privilege.** Retzlaff asserts that any response might unfairly tend to incriminate him. See *Ohio v. Reiner*, 121 S.Ct. 1252, 1254 (2001) (A “basic function” of the Fifth Amendment “is to protect *innocent* men ... ‘who otherwise might be ensnared by ambiguous circumstances.’”). Van Dyke has repeatedly alleged that content published on the “BV Files” blog constitute “criminal stalking” by Retzlaff. See Exhibits 1 and 2; plaintiff’s live pleading. (Doc. 113, ¶ 5.3.) Van Dyke has alleged that “materials and communications” allegedly sent by Retzlaff to “Denton DA” constitute “criminal stalking” by Retzlaff. See, e.g., Exhibits 1 and 2; plaintiff’s live pleading. (Doc. 113, ¶ 5.3.)

**INTERROGATORY NO. 6:**

Identify any material and communication relating to Plaintiff that you have sent to or received from Collin DA. The scope of this request is materials and communications sent or received between March 1, 2018 and January 29, 2020. This interrogatory includes material and communications sent by you or by *any* person acting on your behalf, including your attorneys.

RESPONSE: **Privilege.** Retzlaff asserts that any response might unfairly tend to incriminate him. See *Ohio v. Reiner*, 121 S.Ct. 1252, 1254 (2001) (A “basic function” of the Fifth Amendment “is to protect *innocent* men ... ‘who otherwise might be ensnared by ambiguous circumstances.’”). Van Dyke has repeatedly alleged that content published on the “BV Files” blog constitute “criminal stalking” by Retzlaff. See Exhibits 1 and 2; plaintiff’s live pleading. (Doc. 113, ¶ 5.3.) Van Dyke has alleged that such communications constitute “criminal stalking” by Retzlaff. See, e.g., Exhibits 1 and 2; plaintiff’s live pleading. (Doc. 113, ¶ 5.3.)

**INTERROGATORY NO. 7:**

Identify any material and communications relating to Plaintiff that you have sent to or received from any Law Enforcement Agent. The scope of this request is materials and communications sent or received between March 1, 2018 and January 29, 2020. This interrogatory includes material and communications sent by you or by *any* person acting on your behalf, including your attorneys.

RESPONSE: **Privilege.** Retzlaff asserts that any response might unfairly tend to incriminate him. *See Ohio v. Reiner*, 121 S.Ct. 1252, 1254 (2001) (A “basic function” of the Fifth Amendment “is to protect *innocent* men ... ‘who otherwise might be ensnared by ambiguous circumstances.’”). Van Dyke has alleged that such communications constitute “criminal stalking” by Retzlaff. *See, e.g.*, Exhibits 1 and 2; plaintiff’s live pleading. (Doc. 113, ¶ 5.3.) Van Dyke also claims Retzlaff is involved in a criminal conspiracy with Law Enforcement Agencies to violate his civil rights. (Doc. 113, ¶ 6.31.) *See also Van Dyke v. Shackelford*, No. 4:19-CV-00786-ALM. (Doc. 1, ¶¶ 5.1-5.14.)

#### **INTERROGATORY NO. 8:**<sup>6</sup>

Identify any material communications *of any kind* that you have sent to or received from Isaac Lee Marquart a/k/a Sam Benneth. The scope of this request is materials and communications sent or received between August 1, 2018 and January 29, 2020. This interrogatory includes material and communications sent by you or by *any* person acting on your behalf, including your attorneys.

RESPONSE: **Privilege.** Retzlaff asserts that any response might unfairly tend to incriminate him. *See Ohio v. Reiner*, 121 S.Ct. 1252, 1254 (2001) (A “basic function” of the Fifth Amendment “is to protect *innocent* men ... ‘who otherwise might be ensnared by ambiguous circumstances.’”). Van Dyke has alleged that such communications constitute “criminal stalking” by Retzlaff. *See, e.g.*, Exhibits 1 and 2; plaintiff’s live pleading. (Doc. 113, ¶ 5.3.) Van Dyke also claims Retzlaff is involved in a criminal conspiracy with this individual and law enforcement agencies to violate Van Dyke’s civil rights. (Doc. 113, ¶ 6.31.) *See also Van Dyke v. Shackelford*, No. 4:19-CV-00786-ALM. (Doc. 1, ¶¶ 5.1-5.14.)

#### **INTERROGATORY NO. 9:**<sup>7</sup>

Identify any communications *of any kind* that you have sent to or received from Jason Ryan De Keresforth Armitage. The scope of this request is materials and communications sent or received between August 1, 2018 and January 29, 2020. This interrogatory includes material and communications sent by you or by *any* person acting on your behalf, including your attorneys.

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<sup>6</sup> Retzlaff did not previously answer or object to this request as it exceeded the maximum number of 25 interrogatories a party may serve.

<sup>7</sup> Retzlaff did not previously answer or object to this request as it exceeded the maximum number of 25 interrogatories a party may serve.

RESPONSE: **Privilege.** Retzlaff asserts that any response might unfairly tend to incriminate him. *See Ohio v. Reiner*, 121 S.Ct. 1252, 1254 (2001) (A “basic function” of the Fifth Amendment “is to protect *innocent* men ... ‘who otherwise might be ensnared by ambiguous circumstances.’”). Van Dyke has alleged that such communications constitute “criminal stalking” by Retzlaff. *See, e.g.*, Exhibits 1 and 2; plaintiff’s live pleading. (Doc. 113, ¶ 5.3.) Van Dyke also claims Retzlaff is involved in a criminal conspiracy with this individual and law enforcement agencies to violate Van Dyke’s civil rights. (Doc. 113, ¶ 6.31.) *See also Van Dyke v. Shackelford*, No. 4:19-CV-00786-ALM. (Doc. 1, ¶¶ 5.1-5.14.)

#### **INTERROGATORY NO. 10:**<sup>8</sup>

Identify any material communications *of any kind* that you have sent to or received from Corey Deonta Momot or any attorney representing Corey Deonta Momot. The scope of this request is materials and communications sent or received between August 1, 2018 and January 29, 2020. This interrogatory includes material and communications sent by you or by *any* person acting on your behalf, including your attorneys.

RESPONSE: **Privilege.** Retzlaff asserts that any response might unfairly tend to incriminate him. *See Ohio v. Reiner*, 121 S.Ct. 1252, 1254 (2001) (A “basic function” of the Fifth Amendment “is to protect *innocent* men ... ‘who otherwise might be ensnared by ambiguous circumstances.’”). Van Dyke has alleged such communications constitute “criminal stalking” by Retzlaff. *See, e.g.*, Exhibits 1 and 2; plaintiff’s live pleading. (Doc. 113, ¶ 5.3.) Van Dyke also claims Retzlaff is involved in a criminal conspiracy with this individual and law enforcement agencies to violate Van Dyke’s civil rights. (Doc. 113, ¶ 6.31.) *See also Van Dyke v. Shackelford*, No. 4:19-CV-00786-ALM. (Doc. 1, ¶¶ 5.1-5.14.)

#### **INTERROGATORY NO. 11:**

Identify any communications relating to Plaintiff that you have sent to or received from any current or former client of Plaintiff. The scope of this request is materials and communications sent or received between March 1, 2018 and January 29, 2020. This interrogatory includes material and communications sent by you or by *any* person acting on your behalf, including your attorneys.

RESPONSE: **Privilege.** Retzlaff asserts that any response might unfairly tend to incriminate him. *See Ohio v. Reiner*, 121 S.Ct. 1252, 1254 (2001) (A “basic function” of the Fifth Amendment “is to protect *innocent* men ... ‘who otherwise might be ensnared by ambiguous circumstances.’”). Van Dyke alleges such communications constitute “criminal stalking” by Retzlaff. *See, e.g.*, Exhibits 1 and 2; plaintiff’s live pleading. (Doc. 113, ¶

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<sup>8</sup> Retzlaff did not previously answer or object to this request as it exceeded the maximum number of 25 interrogatories a party may serve.

5.3.). Van Dyke also claims Retzlaff is involved in a criminal conspiracy with this individual and law enforcement agencies to violate Van Dyke's civil rights. (Doc. 113, ¶ 6.31.) *See also Van Dyke v. Shackelford*, No. 4:19-CV-00786-ALM. (Doc. 1, ¶¶ 5.1-5.14.)

### **INTERROGATORY NO. 13:**

Identify any communications relating to Plaintiff that you have sent to or received from any Judicial or Quasi-Judicial Officer. The scope of this request is materials and communications sent or received between March 1, 2018 and January 29, 2020. This interrogatory includes material and communications sent by you or by *any* person acting on your behalf, including your attorneys.

RESPONSE: **Privilege.** Retzlaff asserts that any response might unfairly tend to incriminate him. *See Ohio v. Reiner*, 121 S.Ct. 1252, 1254 (2001) (A “basic function” of the Fifth Amendment “is to protect *innocent* men ... ‘who otherwise might be ensnared by ambiguous circumstances.’”). Van Dyke alleges such “communications” constitute “criminal stalking” by Retzlaff. *See, e.g.*, Exhibits 1 and 2; plaintiff's live pleading. (Doc. 113, ¶ 5.3.). Van Dyke also claims Retzlaff is involved in a criminal conspiracy with these individuals and law enforcement agencies to violate Van Dyke's civil rights. (Doc. 113, ¶ 6.31.) *See also Van Dyke v. Shackelford*, No. 4:19-CV-00786-ALM. (Doc. 1, ¶¶ 5.1-5.14.)

**Answer.** Van Dyke judicially admits to possession of “communications” to “Judge Coby Waddill, Judge Robert Ramirez, and Presiding Panel Member Rick Hagen.” (Doc. 113, ¶ 5.23.)

### **INTERROGATORY NO. 15:**

Identify any material or communications relating to Plaintiff that you have posted on BV File or elsewhere on the Internet between March 1, 2018 and January 29, 2020.

RESPONSE: **Assertions of Privilege.**

- (i) Under the First Amendment to the U.S. Constitution, a party cannot be compelled to disclose the identities of anonymous speakers. *Watchtower Bible and Tract Soc. of New York v. Village of Stratton*, 536 U.S. 150, 166-67 (2002); *Buckley v. American Constitutional Law Foundation, Inc.*, 525 U.S. 182 (1999). “Under our Constitution, anonymous pamphleteering is not a pernicious, fraudulent practice, but an honorable tradition of advocacy and dissent.” *McIntyre v. Ohio Elections Comm.*, 514 U.S. 334, 356 (1995). A court order—even when issued at the behest of a private party—constitutes state action. *New York Times v. Sullivan*, 364 U.S. 254, 265 (1964). Thus, the amputation of a speaker's First Amendment right of anonymity is subject to limitations with constitutional timbre. It is well settled that this



principle applies equally to anonymous speech on the Internet. *Reno v. ACLU*, 521 U.S. 844, 853 (1997); *see also ApolloMedia Corp. v. Reno*, 19 F. Supp. 1081 (N.D. Cal. 1998) (protecting anonymous denizens of [www.annoy.com](http://www.annoy.com), a website “created and designed to annoy” legislators), *aff’d by ApolloMedia Corp. v. Reno*, 526 U.S. 1061 (1999). Because compelled identification affects the First Amendment right of anonymous speakers to remain anonymous, justification for an incursion upon that right requires proof of a compelling interest. *McIntyre*, 514 U.S. at 347. Among other things, a person seeking to discover the identity of an anonymous speaker has the burden to show that disclosure of the identity of the anonymous speaker is necessary because the party seeking disclosure is likely to prevail on all other issues in the case. *See United States v. Caporale*, 806 F.2d 1487 (11<sup>th</sup> Cir. 1986); *Miller v. Transamerican Press*, 621 F.2d 721, 726 (5<sup>th</sup> Cir. 1980). Until plaintiff has made such showing, compelled disclosure of information that would destroy the speaker’s anonymity is premature.

- (ii) Retzlaff asserts that any response might unfairly tend to incriminate him. *See Ohio v. Reiner*, 121 S.Ct. 1252, 1254 (2001) (A “basic function” of the Fifth Amendment “is to protect *innocent* men ... ‘who otherwise might be ensnared by ambiguous circumstances.’”). Van Dyke has repeatedly alleged that content published on the “BV Files” blog constitute “criminal stalking” by Retzlaff. *See* Exhibits 1 and 2; plaintiff’s live pleading. (Doc. 113, ¶ 5.3.) Van Dyke also claims Retzlaff is involved in a criminal conspiracy with various individuals and Law Enforcement Agencies to violate his civil rights. (Doc. 113, ¶ 6.31.) *See also Van Dyke v. Shackelford*, No. 4:19-CV-00786-ALM. (Doc. 1, ¶¶ 5.1-5.14.)

#### **INTERROGATORY NO. 16:**<sup>9</sup>

List all electronic mail addresses and social media accounts that you utilized in any way between March 1, 2018 and January 28, 2020.

#### **RESPONSE: Assertions of Privilege.**

- (i) Under the First Amendment to the U.S. Constitution, a party cannot be compelled to disclose the identities of anonymous speakers. *Watchtower Bible and Tract Soc. of New York v. Village of Stratton*, 536 U.S. 150, 166-67 (2002); *Buckley v. American Constitutional Law Foundation, Inc.*, 525 U.S. 182 (1999). “Under our Constitution, anonymous pamphleteering is not

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<sup>9</sup> Retzlaff did not previously answer or object to this request as it exceeded the maximum number of 25 interrogatories a party may serve.

a pernicious, fraudulent practice, but an honorable tradition of advocacy and dissent.” *McIntyre v. Ohio Elections Comm.*, 514 U.S. 334, 356 (1995). A court order—even when issued at the behest of a private party—constitutes state action. *New York Times v. Sullivan*, 364 U.S. 254, 265 (1964). Thus, the amputation of a speaker’s First Amendment right of anonymity is subject to limitations with constitutional timbre. It is well settled that this principle applies equally to anonymous speech on the Internet. *Reno v. ACLU*, 521 U.S. 844, 853 (1997); *see also ApolloMedia Corp. v. Reno*, 19 F. Supp. 1081 (N.D. Cal. 1998) (protecting anonymous denizens of [www.annoy.com](http://www.annoy.com), a website “created and designed to annoy” legislators), *aff’d by ApolloMedia Corp. v. Reno*, 526 U.S. 1061 (1999). Because compelled identification affects the First Amendment right of anonymous speakers to remain anonymous, justification for an incursion upon that right requires proof of a compelling interest. *McIntyre*, 514 U.S. at 347. Among other things, a person seeking to discover the identity of an anonymous speaker has the burden to show that disclosure of the identity of the anonymous speaker is necessary because the party seeking disclosure is likely to prevail on all other issues in the case. *See United States v. Caporale*, 806 F.2d 1487 (11<sup>th</sup> Cir. 1986); *Miller v. Transamerican Press*, 621 F.2d 721, 726 (5<sup>th</sup> Cir. 1980). Until plaintiff has made such showing, compelled disclosure of information that would destroy the speaker’s anonymity is premature.

- (ii) Retzlaff asserts that any response might unfairly tend to incriminate him. *See Ohio v. Reiner*, 121 S.Ct. 1252, 1254 (2001) (A “basic function” of the Fifth Amendment “is to protect *innocent* men ... ‘who otherwise might be ensnared by ambiguous circumstances.’”). Van Dyke has repeatedly alleged that content published on the “BV Files” blog constitutes “criminal stalking” by Retzlaff. *See, e.g.*, Exhibits 1 and 2; plaintiff’s live pleading. (Doc. 113, ¶ 5.3.)

Respectfully submitted,

**HANSZEN  LAPORTE**

By:                     /s/ Jeffrey L. Dorrell                    

**JEFFREY L. DORRELL**

State Bar No. 00787386

Federal ID # 18465

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**ANTHONY L. LAPORTE**

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14201 Memorial Drive

Houston, Texas 77079

Telephone 713-522-9444

FAX: 713-524-2580

**ATTORNEYS FOR DEFENDANT TOM RETZLAFF**

### **CERTIFICATE OF SERVICE**

I certify that on 4-28, 2020, the foregoing interrogatories were electronically served upon Jason Van Dyke by e-mail.

Mr. Jason Lee Van Dyke  
Plaintiff, Pro Se  
P.O. Box 2618  
Decatur, Texas 76234  
Telephone: 940-305-9242  
[jasonleevandyke@protonmail.com](mailto:jasonleevandyke@protonmail.com)

/s/ Jeffrey L. Dorrell  
**JEFFREY L. DORRELL**

## AFFIDAVIT OF TOM RETZLAFF

On this day, Tom Retzlaff appeared before me, a Notary Public, and after I administered an oath to him, upon his oath, he said:

1. “My name is Tom Retzlaff. I am more than 18 years of age and capable of making this affidavit. I am the named defendant in the suit in which this affidavit is filed. I declare under penalty of perjury that the facts stated in the foregoing amended and supplemental answers to plaintiff’s interrogatories are within my personal knowledge and are true and correct.”

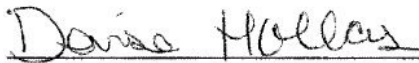
FURTHER AFFIANT SAYETH NOT.



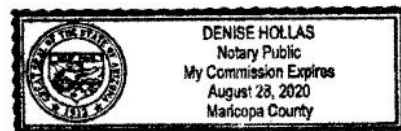
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TOM RETZLAFF

SWORN TO and SUBSCRIBED before me by Tom Retzlaff, personally known to me or identified to be the same, on April 25, 2020.



Notary Public in and for the State of Arizona



**From:** Jason Van Dyke <[jason@vandykelawfirm.com](mailto:jason@vandykelawfirm.com)>  
**Subject:** FW: Notice of Representation  
**Date:** October 26, 2018 at 9:40:33 AM CDT  
**To:** "Wicevich, Walker (PX) (FBI)" <[wwicevich@fbi.gov](mailto:wwicevich@fbi.gov)>  
**Cc:** Jeffrey Dorrell <[JDorrell@hanszenlaporte.com](mailto:JDorrell@hanszenlaporte.com)>, Kristin Brady  
<[Kristin.Brady@TEXASBAR.COM](mailto:Kristin.Brady@TEXASBAR.COM)>

Special Agent Wicevich –

I just received this from Mr. Retzlaff. It appears to be a letter to his attorney that he copied me on. He clearly intends to continue harassing and stalking my mother – a seventy year old senior citizen who is battling breast cancer – through interstate commerce. I understand that this is a violation of 18 U.S.C. 2281(A). If the FBI doesn't want to do its job and put a stop to this, I understand. I am happy to speak with the officer at the Frisco Police Department who took my mother's report.





INCIDENT	PAGE # 1		ORINUMBER TX2490000		<b>TEXAS</b>				INTERNAL INCIDENT STATUS:		EXCEPTIONAL CLEARANCE STATUS:	
	INCIDENT NUMBER 19-0601108				<b>INCIDENT REPORT</b>				<input type="checkbox"/> (A) Active <input type="checkbox"/> (CA) Closed by Arrest <input type="checkbox"/> (CE) Closed by Exception <input type="checkbox"/> (CO) Closed by Other Means <input type="checkbox"/> (I) Inactive <input type="checkbox"/> (U) Unfounded		<input type="checkbox"/> (A) Death of the Offender <input type="checkbox"/> (B) Prosecution Declined <input type="checkbox"/> (C) Extradition Denied <input type="checkbox"/> (D) Victim Ref. to Cooperate <input type="checkbox"/> (E) Juvenile, No Custody <input checked="" type="checkbox"/> (N) Not Applicable	
	DATE(S) OF INCIDENT 06/04/2019				R AGENCY NAME Wise County Sheriff's Office							
	TIME(S) OF INCIDENT 08:57				DAY(S) OF INCIDENT Tuesday							
OFFENSE	DISPATCHER meinenh - meinenh		TIME RECEIVED 9:05		TIME ARRIVED 9:16		REPORTING AREA		EXCEPT. CLEAR. DATE			
	OFFENSE # 1	UCR CODE 13C	OFFENSE STATUS: <input type="checkbox"/> (A) Attempted <input checked="" type="checkbox"/> (C) Completed		OFFENDER USED: <input type="checkbox"/> (A) Alcohol <input checked="" type="checkbox"/> (C) Cptr. Equip. <input type="checkbox"/> (D) Drugs		Burglary (220) Location 14&19: # PREMISES ENTERED?		FORCED ENTRY? <input type="checkbox"/> Yes <input type="checkbox"/> No			
	OFFENSE DESCRIPTION OBSTRUCTION OR RETALIATION-13990026				STATUTE 36.06(c)		ADDRESS OF OFFENSE 117 HILLCREST LANE, WISE COUNTY					
	LOCATION CODE (Enter 1)								WEAPON FORCE: (Max. 3) (For 11-15, place "A" in space next to box if weapon was an Automatic.)			
	<input type="checkbox"/> (01) Air/Bus/Train Terminal <input type="checkbox"/> (02) Bank/Savings & Loan <input type="checkbox"/> (03) Bar/Night Club <input type="checkbox"/> (04) Church/Synagogue/Temple/Mosque <input type="checkbox"/> (05) Commercial/Office Building <input type="checkbox"/> (06) Construction Site <input type="checkbox"/> (07) Convenience Store <input type="checkbox"/> (08) Department/Discount Store <input type="checkbox"/> (09) Drug Store/Doctor's Office/Hospital <input type="checkbox"/> (10) Field/Woods <input type="checkbox"/> (11) Government/Public Building <input type="checkbox"/> (12) Grocery/Supermarket <input type="checkbox"/> (13) Highway/Road/Alley/Street/Sidewalk <input type="checkbox"/> (14) Hotel/Motel/Etc. <input type="checkbox"/> (15) Jail/Prison/Penitentiary/Corrections Facility <input type="checkbox"/> (16) Lake/Waterway/Beach				<input type="checkbox"/> (17) Liquor Store <input type="checkbox"/> (18) Parking Lot/Drop Lot/Garage <input type="checkbox"/> (19) Rental/Storage Facility <input type="checkbox"/> (20) Residence/Home <input type="checkbox"/> (21) Restaurant <input type="checkbox"/> (23) Service/Gas Station <input type="checkbox"/> (24) Specialty Store <input type="checkbox"/> (25) Other/Unknown <input type="checkbox"/> (37) Abandoned/Condemned Structure <input type="checkbox"/> (38) Amusement Park <input type="checkbox"/> (39) Arena/Stadium/Fairgrounds/Coliseum <input type="checkbox"/> (40) ATM Separate From Bank <input type="checkbox"/> (41) Auto Dealership New/Used <input type="checkbox"/> (42) Camp/Campground <input type="checkbox"/> (44) Daycare Facility <input type="checkbox"/> (45) Dock/Wharf/Freight/Modal Terminal				<input type="checkbox"/> (46) Farm Facility <input type="checkbox"/> (47) Gambling Facility/Casino/Race Track <input type="checkbox"/> (48) Industrial Site <input type="checkbox"/> (49) Military Installation <input type="checkbox"/> (50) Park/Playground <input type="checkbox"/> (51) Rest Area <input type="checkbox"/> (52) School - College/University <input type="checkbox"/> (53) School - Elementary/Secondary <input type="checkbox"/> (54) Shelter - Mission/Homeless <input type="checkbox"/> (55) Shopping Mall <input type="checkbox"/> (56) Tribal Lands <input type="checkbox"/> (57) Community Center			
	TYPE CRIMINAL ACTIVITY: (Max. 3)				TYPE GANG ACTIVITY: (Max. 3)							
	<input type="checkbox"/> (B) Buying <input type="checkbox"/> (C) Cultivate/Manufacture/Publish <input type="checkbox"/> (D) Distributing/Selling <input type="checkbox"/> (E) Exploiting Children				<input type="checkbox"/> (O) Operating/Promoting/Assisting <input type="checkbox"/> (P) Possessing/Concealing <input type="checkbox"/> (T) Transport/Transmit/Import <input type="checkbox"/> (U) Using/Consuming				<input type="checkbox"/> (G) Other Gang <input type="checkbox"/> (J) Juvenile Gang <input type="checkbox"/> (N) None/Unknown			
									BIAS MOTIVATED CRIME: None (No Bias)			
	VICTIM # 1		NAME: Last, First, Middle VANDYKE, JASON LEE		DRIVER'S LICENSE		DR. LI. STATE		SOC. SEC. NO.		DATE OF BIRTH	
	RESIDENT ADDRESS: Street		City		State		ZIP					
OCCUPATION ATTORNEY		RESIDENT PHONE										
EMPLOYMENT PHONE		SEX: <input checked="" type="checkbox"/> (M) Male <input type="checkbox"/> (F) Female <input type="checkbox"/> (U) Unknown										
ETHNIC: <input type="checkbox"/> (H) Hispanic <input checked="" type="checkbox"/> (N) Nonhispanic <input type="checkbox"/> (U) Unknown		AGE: Exact Age 39										
RACE: <input checked="" type="checkbox"/> (W) White <input type="checkbox"/> (I) American Indian <input type="checkbox"/> (U) Unknown <input type="checkbox"/> (B) Black <input type="checkbox"/> (A) Asian/Pacific Islander		Range ____ / ____										
RES. STATUS: <input checked="" type="checkbox"/> (R) Resident <input type="checkbox"/> (N) Nonresident <input type="checkbox"/> (U) Unknown		AGE: Exact Age 39										
VICTIM TYPE: <input type="checkbox"/> (G) Government <input type="checkbox"/> (R) Religious <input type="checkbox"/> (S) Society/Public <input type="checkbox"/> (O) Other		VICTIM TYPE: <input checked="" type="checkbox"/> (I) Individual <input type="checkbox"/> (B) Business <input type="checkbox"/> (F) Financial Institution <input type="checkbox"/> (U) Unknown										
VICTIM INJURY: (Max. 5)		THIS VICTIM RELATED TO WHICH OFFENSES?										
<input type="checkbox"/> (N) None <input type="checkbox"/> (B) Apparent Broken Bones <input type="checkbox"/> (I) Possible Internal Injury <input type="checkbox"/> (L) Severe Laceration		<input type="checkbox"/> (M) Apparent Minor Injury <input type="checkbox"/> (O) Other Major Injury <input type="checkbox"/> (T) Loss of Teeth <input type="checkbox"/> (U) Unconsciousness		<input checked="" type="checkbox"/> #1 <input type="checkbox"/> #4 <input type="checkbox"/> #7 <input type="checkbox"/> #10 <input type="checkbox"/> #2 <input type="checkbox"/> #5 <input type="checkbox"/> #8 others: <input type="checkbox"/> #3 <input type="checkbox"/> #6 <input type="checkbox"/> #9								
AGGRAVATED ASSAULT/HOMICIDE CIRCUMSTANCES		Negligent Manslaughter: (enter 1)										
<input type="checkbox"/> (01) Argument <input type="checkbox"/> (02) Assault On Law Enf. Officer <input type="checkbox"/> (03) Drug Dealing <input type="checkbox"/> (04) Gangland <input type="checkbox"/> (05) Juvenile Gang <input type="checkbox"/> (06) Lover's Quarrel <input type="checkbox"/> (07) Mercy Killing <input type="checkbox"/> (08) Other Felony Involved <input type="checkbox"/> (09) Other Circumstances <input type="checkbox"/> (10) Unknown Circumstances		<input type="checkbox"/> (30) Child Playing With Weapon <input type="checkbox"/> (31) Gun-Cleaning Accident <input type="checkbox"/> (32) Hunting Accident <input type="checkbox"/> (33) Other Negligent Weapon Handling <input type="checkbox"/> (34) Other Negligent Killings		<input type="checkbox"/> (20) Criminal Killed by Private Citizen <input type="checkbox"/> (21) Criminal Killed by Police Officer								
ADDITIONAL JUSTIFIABLE HOMICIDE CIRC.: (enter 1)												
<input type="checkbox"/> (A) Criminal Attacked Police Officer <input type="checkbox"/> (B) Criminal Attacked Fellow Police Officer <input type="checkbox"/> (C) Criminal Attacked Civilian <input type="checkbox"/> (D) Criminal Attempted Flight from a Crime <input type="checkbox"/> (E) Criminal Killed in Commission of a Crime <input type="checkbox"/> (F) Criminal Resisted Arrest <input type="checkbox"/> (G) Unable to Determine/Not Enough Information												
REPORT DATE 06/04/2019	DAY Tue	TIME (Military) 8:57	REPORTING OFFICER Sergeant John C. Mosley	CODE # 9385	APPROVING SUPERVISOR Lieutenant Anissa R. Satterfi	CODE # 6229	DATE APPROVED 06/05/2019					

## INCIDENT REPORT

AD OFFENDER / ARRESTEE	PAGE # 2	DATE 06/04/2019	INCIDENT NUMBER 19-0601108	OR# ("B") TX2490000	REPORTING OFFICER Sergeant John C. Mosley	CODE # 9385	VICTIM NAME VANDYKE, JASON LEE
	ARRESTEE #	NAME Last, First, Middle, RETZLAFF, THOMAS CHRISTOPHER			AKA		
OFFENDER / ARRESTEE	OFFENDER # 1	RESIDENT ADDRESS Street City State Zip 78249			DATE OF BIRTH		
	RESIDENT PHONE		EMPLOYMENT/SCHOOL PHONE	DRIVER'S LICENSE		DR. LI STATE	SSN
OFFENDER / ARRESTEE	ARREST LOCATION		OCCUPATION	PLACE OF EMPLOYMENT		ARREST TYPE: <input type="checkbox"/> (O) On View Arrest <input type="checkbox"/> (S) Summons/Cited <input type="checkbox"/> (T) Taken Into Cust.	
	SEX: <input checked="" type="checkbox"/> (M) Male <input type="checkbox"/> (F) Female <input type="checkbox"/> (U) Unk.		AGE: EXACT AGE 53	MULT. ARREST INDIC.: <input type="checkbox"/> (M) Multiple <input type="checkbox"/> (N) N/A		WEAPONS AT ARREST: (Max. 2) (Place "A" in blank if automatic)	
OFFENDER / ARRESTEE	ETHNIC: <input type="checkbox"/> (H) Hispanic <input type="checkbox"/> (N) Nonhisp. <input checked="" type="checkbox"/> (U) Unk.		AGE RANGE: to	DISPOSITION OF JUVENILE: <input type="checkbox"/> (C) Count Arrestee <input type="checkbox"/> (N) N/A		<input type="checkbox"/> (01) Unarmed <input type="checkbox"/> (16) Illegal Cutting Instr. <input type="checkbox"/> (11) Firearm <input type="checkbox"/> (12) Handgun <input type="checkbox"/> (13) Rifle <input type="checkbox"/> (17) Club / Blackjack / Brass Kn. <input type="checkbox"/> (14) Shotgun <input type="checkbox"/> (15) Other Firearm	
	RACE: <input type="checkbox"/> (W) White <input type="checkbox"/> (B) Black <input type="checkbox"/> (I) American Indian <input type="checkbox"/> (A) Asian/Pacific Islander <input checked="" type="checkbox"/> (U) Unknown		<input type="checkbox"/> (99) Over 98 Yrs. Old <input type="checkbox"/> (00) Unknown	<input type="checkbox"/> (H) Handled within Department. <input type="checkbox"/> (R) Referred outside Department			
OFFENDER / ARRESTEE	RES. STATUS: <input type="checkbox"/> (R) Resident <input type="checkbox"/> (N) Nonres. <input checked="" type="checkbox"/> (U) Unknown		UCR ARR. CODE	OFFENSE NAME		ARREST DATE	ARREST TRANSACT. #
	HEIGHT 5'09"	WEIGHT 180	BUILD	HAIR COLOR BRO - Brown	HAIR STYLE	HAIR LENGTH	EYE COLOR BRO - Brown
OFFENDER / ARRESTEE	ARRESTEE #	NAME Last, First, Middle, AKA					
	OFFENDER #	RESIDENT ADDRESS Street City State Zip			DATE OF BIRTH		
OFFENDER / ARRESTEE	RESIDENT PHONE		EMPLOYMENT/SCHOOL PHONE	DRIVER'S LICENSE		DR. LI STATE	SSN
	ARREST LOCATION		OCCUPATION	PLACE OF EMPLOYMENT		ARREST TYPE: <input type="checkbox"/> (O) On View Arrest <input type="checkbox"/> (S) Summons/Cited <input type="checkbox"/> (T) Taken Into Cust.	
OFFENDER / ARRESTEE	SEX: <input type="checkbox"/> (M) Male <input type="checkbox"/> (F) Female <input type="checkbox"/> (U) Unk.		AGE: EXACT AGE	MULT. ARREST INDIC.: <input type="checkbox"/> (M) Multiple <input type="checkbox"/> (N) N/A		WEAPONS AT ARREST: (Max. 2) (Place "A" in blank if automatic)	
	ETHNIC: <input type="checkbox"/> (H) Hispanic <input type="checkbox"/> (N) Nonhisp. <input type="checkbox"/> (U) Unk.		AGE RANGE: to	DISPOSITION OF JUVENILE: <input type="checkbox"/> (C) Count Arrestee <input type="checkbox"/> (N) N/A		<input type="checkbox"/> (01) Unarmed <input type="checkbox"/> (16) Illegal Cutting Instr. <input type="checkbox"/> (11) Firearm <input type="checkbox"/> (12) Handgun <input type="checkbox"/> (13) Rifle <input type="checkbox"/> (17) Club / Blackjack / Brass Kn. <input type="checkbox"/> (14) Shotgun <input type="checkbox"/> (15) Other Firearm	
OFFENDER / ARRESTEE	RACE: <input type="checkbox"/> (W) White <input type="checkbox"/> (B) Black <input type="checkbox"/> (I) American Indian <input type="checkbox"/> (A) Asian/Pacific Islander <input type="checkbox"/> (U) Unknown		<input type="checkbox"/> (99) Over 98 Yrs. Old <input type="checkbox"/> (00) Unknown	<input type="checkbox"/> (H) Handled within Department. <input type="checkbox"/> (R) Referred outside Department			
	RES. STATUS: <input type="checkbox"/> (R) Resident <input type="checkbox"/> (N) Nonres. <input type="checkbox"/> (U) Unknown		UCR ARR. CODE	OFFENSE NAME		ARREST DATE	ARREST TRANSACT. #
SUBJECT DESCRIPTORS	HEIGHT	WEIGHT	BUILD	HAIR COLOR	HAIR STYLE	HAIR LENGTH	EYE COLOR
	SKIN TONE						



## INCIDENT REPORT

VEHICLE	PAGE #	DATE	INCIDENT #	REPORTING OFFICER	CODE #	VICTIM NAME																																																																								
	3	06/04/2019	19-0601108	Sergeant John C. Mosley	9385	VANDYKE, JASON LEE																																																																								
	YEAR	MAKE	MODEL	STYLE	VIN	LICENSE NUMBER																																																																								
	OWNER'S NAME					ADDRESS																																																																								
VEHICLE	TOP/SOLID COLOR		SECOND COLOR		DISPOSITION OF RECOVERY:																																																																									
					<input type="checkbox"/> (I) Impounded <input type="checkbox"/> (R) Released To Owner																																																																									
	YEAR	MAKE	MODEL	STYLE	VIN	LICENSE NUMBER																																																																								
	OWNER'S NAME					ADDRESS																																																																								
VEHICLE	TOP/SOLID COLOR		SECOND COLOR		DISPOSITION OF RECOVERY:																																																																									
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	YEAR	MAKE	MODEL	STYLE	VIN	LICENSE NUMBER																																																																								
	OWNER'S NAME					ADDRESS																																																																								
PROPERTY	OF. CODE	P. LOSS	P. DES.	QTY.	DESCRIPTION (Include serial number, make, model, primary color)	OWNER	ITEM VALUE	RECOV. DATE																																																																						
TOTAL NUMBER VEHICLES STOLEN:		TOTAL NUMBER VEHICLES RECOVERED:		TOTAL VALUE STOLEN:		TOTAL VALUE RECOVERED:																																																																								
PROPERTY LOSS: (1) None (2) Burned (3) Counterfeited/Forged (4) Damaged/Destroyed/Vandalized (5) Recovered (6) Seized (7) Stolen, etc. (8) Unk.																																																																														
PROPERTY DESCRIPTION: <table border="0"> <tr> <td>(01) Aircraft</td> <td>(14) Gambling Equipment</td> <td>(27) Recordings-Audio/Visual</td> <td>(42) Artistic Supplies/Accessories</td> <td>(68) Lawn/Yard/Garden Equipment</td> </tr> <tr> <td>(02) Alcohol</td> <td>(15) Heavy Construction/Industrial Equipment</td> <td>(28) Recreational Vehicles</td> <td>(43) Building Materials</td> <td>(69) Logging Equipment</td> </tr> <tr> <td>(03) Automobiles</td> <td>(16) Household Goods</td> <td>(29) Structures-Single Occupancy</td> <td>(44) Camping/Hunting/Fishing Equipment/Supplies</td> <td>(70) Medical/Medical Lab Equipment</td> </tr> <tr> <td>(04) Bicycles</td> <td>(17) Jewelry/Precious Metals/Gems</td> <td>(30) Structures-Other Dwellings</td> <td>(45) Chemicals</td> <td>(71) Metals, Non-Precious</td> </tr> <tr> <td>(05) Buses</td> <td>(18) Livestock</td> <td>(31) Structures-Commercial/Business</td> <td>(46) Collections/Collectibles</td> <td>(72) Musical Instruments</td> </tr> <tr> <td>(06) Cloths/Furs</td> <td>(19) Merchandise</td> <td>(32) Structures-Industrial/Manufacturing</td> <td>(47) Crops</td> <td>(73) Pets</td> </tr> <tr> <td>(07) Computer Hardware/Software</td> <td>(20) Money</td> <td>(33) Structures-Public/Community</td> <td>(48) Documents/Personal or Business</td> <td>(74) Photographical/Optical Equipment</td> </tr> <tr> <td>(08) Consumable Goods</td> <td>(21) Negotiable Instruments</td> <td>(34) Structures-Storage</td> <td>(49) Explosives</td> <td>(75) Portable Electronic Communications</td> </tr> <tr> <td>(09) Credit/Debit Cards</td> <td>(22) Nonnegotiable Instruments</td> <td>(35) Structures-Other</td> <td>(50) Firearm Accessories</td> <td>(76) Recreational/Sports Equipment</td> </tr> <tr> <td>(10) Drugs/Narcotics</td> <td>(23) Office-Type Equipment</td> <td>(36) Tools</td> <td>(51) Fuel</td> <td>(77) Other</td> </tr> <tr> <td>(11) Drug/Narcotic Equipment</td> <td>(24) Other Motor Vehicles</td> <td>(37) Trucks</td> <td>(52) Identity Documents</td> <td>(78) Trailers</td> </tr> <tr> <td>(12) Farm Equipment</td> <td>(25) Purses/Handbags/Wallets</td> <td>(38) Vehicle Parts/Accessories</td> <td>(53) Identity - Intangible</td> <td>(79) Watercraft Equipment/Parts/Accessories</td> </tr> <tr> <td>(13) Firearms</td> <td>(26) Radios/TVs/VCRs/DVD Players</td> <td>(39) Watercraft</td> <td>(54) Law Enforcement Equipment</td> <td>(80) Weapons - Other</td> </tr> <tr> <td></td> <td></td> <td>(40) Aircraft Parts/Accessories</td> <td></td> <td>(81) Pending Inventory (of Property)</td> </tr> </table>									(01) Aircraft	(14) Gambling Equipment	(27) Recordings-Audio/Visual	(42) Artistic Supplies/Accessories	(68) Lawn/Yard/Garden Equipment	(02) Alcohol	(15) Heavy Construction/Industrial Equipment	(28) Recreational Vehicles	(43) Building Materials	(69) Logging Equipment	(03) Automobiles	(16) Household Goods	(29) Structures-Single Occupancy	(44) Camping/Hunting/Fishing Equipment/Supplies	(70) Medical/Medical Lab Equipment	(04) Bicycles	(17) Jewelry/Precious Metals/Gems	(30) Structures-Other Dwellings	(45) Chemicals	(71) Metals, Non-Precious	(05) Buses	(18) Livestock	(31) Structures-Commercial/Business	(46) Collections/Collectibles	(72) Musical Instruments	(06) Cloths/Furs	(19) Merchandise	(32) Structures-Industrial/Manufacturing	(47) Crops	(73) Pets	(07) Computer Hardware/Software	(20) Money	(33) Structures-Public/Community	(48) Documents/Personal or Business	(74) Photographical/Optical Equipment	(08) Consumable Goods	(21) Negotiable Instruments	(34) Structures-Storage	(49) Explosives	(75) Portable Electronic Communications	(09) Credit/Debit Cards	(22) Nonnegotiable Instruments	(35) Structures-Other	(50) Firearm Accessories	(76) Recreational/Sports Equipment	(10) Drugs/Narcotics	(23) Office-Type Equipment	(36) Tools	(51) Fuel	(77) Other	(11) Drug/Narcotic Equipment	(24) Other Motor Vehicles	(37) Trucks	(52) Identity Documents	(78) Trailers	(12) Farm Equipment	(25) Purses/Handbags/Wallets	(38) Vehicle Parts/Accessories	(53) Identity - Intangible	(79) Watercraft Equipment/Parts/Accessories	(13) Firearms	(26) Radios/TVs/VCRs/DVD Players	(39) Watercraft	(54) Law Enforcement Equipment	(80) Weapons - Other			(40) Aircraft Parts/Accessories		(81) Pending Inventory (of Property)
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DRUG INFO.	DRUG TYPE	WHOLE DRUG QUANTITY	FRACTIONAL DRUG QUANTITY	DRUG MEASUREMENT	TYPE DRUG MEASUREMENT:																																																																									
					WEIGHT	CAPACITY																																																																								
					(GM) Gram	(ML) Milliliter																																																																								
					(KG) Kilogram	(LT) Liter																																																																								
COMPLT.	DRUG TYPE: <table border="0"> <tr> <td>(A) "Crack" Cocaine</td> <td>(D) Heroin</td> <td>(G) Opium</td> <td>(J) PSP</td> <td>(M) Other Stimulants</td> <td>(P) Other Drugs</td> </tr> <tr> <td>(B) Cocaine</td> <td>(E) Marijuana</td> <td>(H) Other Narcotics</td> <td>(K) Other Hallucinogens</td> <td>(N) Barbiturates</td> <td>(U) Unknown Type Drug</td> </tr> <tr> <td>(C) Hashish</td> <td>(F) Morphine</td> <td>(I) LSD</td> <td>(L) Amphetamines/Methamphetamines</td> <td>(O) Other Depressants</td> <td>(X) Over 3 Drug Types</td> </tr> </table>				(A) "Crack" Cocaine	(D) Heroin	(G) Opium	(J) PSP	(M) Other Stimulants	(P) Other Drugs	(B) Cocaine	(E) Marijuana	(H) Other Narcotics	(K) Other Hallucinogens	(N) Barbiturates	(U) Unknown Type Drug	(C) Hashish	(F) Morphine	(I) LSD	(L) Amphetamines/Methamphetamines	(O) Other Depressants	(X) Over 3 Drug Types	UNITS (DU) Dosage Unit (Pills, etc.) (NP) Number of Plants																																																							
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NAME: Last, First, Middle				SEX: <input type="checkbox"/> (M) Male <input type="checkbox"/> (F) Female <input type="checkbox"/> (U) Unk.	AGE: _____ <input type="checkbox"/> (00) Unknown	RACE: <input type="checkbox"/> (W) White <input type="checkbox"/> (B) Black <input type="checkbox"/> (I) American Indian <input type="checkbox"/> (A) Asian/Pacific Islander <input type="checkbox"/> (U) Unknown																																																																								
RESIDENT ADDRESS: Street City State Zip				RESIDENT PHONE	EMPLOY'T. PHONE																																																																									

## CONFIDENTIAL SUPPLEMENT

WITNESSES	PAGE #	DATE	INCIDENT NUMBER	REPORTING OFFICER	CODE #	VICTIM NAME
	4	06/04/2019	19-0601108	Sergeant John C. Mosley	9385	VANDYKE, JASON LEE
	NAME: Last, First, Middle			SEX: <input type="checkbox"/> (U) Unk. <input type="checkbox"/> (M) Male <input type="checkbox"/> (F) Female	AGE: <input type="checkbox"/> (00) Unknown	RACE: <input type="checkbox"/> (U) Unk. <input type="checkbox"/> (W) White <input type="checkbox"/> (B) Black <input type="checkbox"/> (I) American Indian <input type="checkbox"/> (A) Asian/Pacific Islander
	RESIDENT ADDRESS: Street City State Zip			RESIDENT PHONE	EMPL. PHONE	
WITNESSES	NAME: Last, First, Middle			SEX: <input type="checkbox"/> (U) Unk. <input type="checkbox"/> (M) Male <input type="checkbox"/> (F) Female	AGE: <input type="checkbox"/> (00) Unknown	RACE: <input type="checkbox"/> (U) Unk. <input type="checkbox"/> (W) White <input type="checkbox"/> (B) Black <input type="checkbox"/> (I) American Indian <input type="checkbox"/> (A) Asian/Pacific Islander
	RESIDENT ADDRESS: Street City State Zip			RESIDENT PHONE	EMPL. PHONE	
	NARRATIVE:					
	1. On 6-4-2019 at approximately 0905 hours, Sgt. Mosley was dispatched to the WCSO lobby in regards to a harassment/retaliation report. Upon arrival, Mosley met with the complainant identified as Jason Lee Van Dyke					
2. Jason stated he was being stalked/harassed/retaliated ag by an individual named Thomas Christopher Retzlaff (DOB . Jason believes the issues started after he worked pro bono as an attorney to shut down a revenge pornography website PinkMeth and the identity theft website Dox6in.						
3. Jason has tried to file multiple reports with other law enforcement agencies. Jason has also sued Thomas twice in an attempt to stop the harassment. On or around December 2018, Jason changed his phone number and e-mail address to prevent further contact from Thomas. In February 2019, Jason moved from Crossroads, Texas. In April 2019, Jason moved to Wise County.						
4. Thomas continues to file false reports with the State Bar of Texas against Jason and post on a website called www.viaviewfiles.net. Jason's current address, photograph of his residence, and a map were published to this website.						
5. Some of Jason's former supervisors have been targeted also. The website states a new article would be published soon. This has also occurred with some of his prior employers.						
6. Jason completed a witness statement and signed a prosecution form. The documents were scanned into this report. Mosley cleared with this offense report.						
SUPPLEMENT #1 Lieutenant Anissa R. Satterfield - 6229 06/05/2019 09:11						
1. Report reviewed and apprvloed. Case forwarded to CID. 6-5-19						





## Witness Statement of Facts (continued)

so he would no longer have my address. I moved to Wise County on or around April 5, 2019. Since moving here, he has continued to harass me through false reports to the State Bar of Texas and a website: [www.viaviewfiles.net](http://www.viaviewfiles.net). Retzlaff denies owning this website. I believe that he either owns this website or provides its content because the website has previously published information that could only be known to him or his Attorney.

Retzlaff, ~~with~~ or persons acting in concert with him, published my new address, a picture of my home, and a map to my home on the website on or around May 27, 2019. On or around June 4, 2019 a comment appeared on the website indicating that a new article would be published soon about Edward LaMonica, Ashley Mitchell and Hailey Kemp. LaMonica/Mitchell are my prior supervisors at White, Jacobs & Associates in Plano, TX. Kemp is ~~a~~ a former client and daughter to one of my prior supervisors/clients (Nick Siatka) at Tucker Albin & Associates Inc. in Richardson, Texas. Retzlaff has previously contacted my clients directly and the website has previously published pictures of my clients, their homes, and their children.

WITNESS:



WITNESS:



Signature of witness giving statement

Page 2 of 3

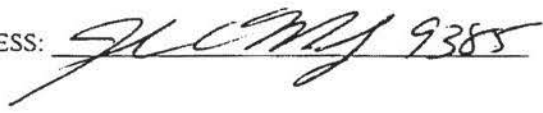
## Witness Statement of Facts (continued)

It is my opinion that Mr. Retzlaff is doing this in retaliation for my role in shutting down the revenge pornography website PinkMeth and the identity theft website Doxbin. Other attorneys and individuals he has harassed are:

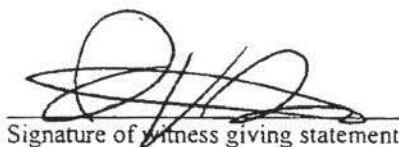
Marc Randazza	-
John Morgan	-
Philip Klein	-
Evan Stone	-
Kyle Bristow	-
Jay Liederman	- Phone number not known
James McGibney	-

Retzlaff has been convicted of multiple felonies in Texas, has had his parental rights to his children terminated in Texas, and has been declared a vexatious litigant in Texas. I do not believe that Retzlaff will physically harm me, but I do believe he will continue to harass me and others until action is taken against him in court. I ask that a warrant be issued for the arrest of Thomas Christopher Retzlaff for the third degree felony offense of stalking. Tex. Penal Code 42.072. END of statement.

WITNESS:



WITNESS:



Signature of witness giving statement

Page 3 of 3



(940) 627-5971

Wise County Sheriff's Office  
Sheriff Lane Akin

200 Rook Ramsey Drive  
Decatur, Texas 76234

Fax (940) 627-3797

Date: 6-4-19

CFS #: 19-0601108

I certify the information I provided to LT Mosley, a certified peace officer, is true fact.  
I understand if the information is false or deceptive I have committed the following offense:

§ 37.08. FALSE REPORT TO PEACE OFFICER OR LAW ENFORCEMENT

EMPLOYEE. (a) A person commits an offense if, with intent to deceive, he knowingly makes a false statement that is material to a criminal investigation and makes the statement to:

- (1) a peace officer conducting the investigation; or
- (2) any employee of a law enforcement agency that is authorized by the agency to conduct the investigation and that the actor knows is conducting the investigation.

(b) In this section, "law enforcement agency" has the meaning assigned by Article 59.01, Code of Criminal Procedure.

(c) An offense under this section is a Class B misdemeanor.

I Do / Do Not wish to prosecute in this matter. My signature below indicates I have read the above statute, and agree to make a true statement to the above stated deputy of the Wise County Sheriff's Office.

Complainant's Signature

Jason Lee Van Dyke

Complainant's Printed Name

\_\_\_\_\_  
Date of Birth

[Signature] 9385  
Deputy Signature

\_\_\_\_\_  
Witness Signature

Safe and Sound

**IN THE UNITED STATES DISTRICT FOR THE  
EASTERN DISTRICT OF TEXAS,  
SHERMAN DIVISION**

<b>JASON LEE VAN DYKE,</b>	§	
<i>Plaintiff,</i>	§	
<b>v.</b>	§	
	§	
<b>THOMAS CHRISTOPHER</b>	§	<b>NO. 4:18-CV-247-ALM</b>
<b>RETZLAFF, a/k/a DEAN</b>	§	
<b>ANDERSON, d/b/a BV FILES, VIA</b>	§	
<b>VIEW FILES, L.L.C., and VIAVIEW</b>	§	
<b>FILES,</b>	§	
<i>Defendants</i>	§	

**RETZLAFF’S SECOND AMENDED RESPONSE TO INTERROGATORY NO. 3 OF  
PLAINTIFF’S (SECOND) “FIRST SET” OF INTERROGATORIES**

To: Jason Lee Van Dyke, plaintiff pro se.

Defendant Thomas Retzlaff serves this, his second amended and supplemental response to plaintiff’s Interrogatory No. 3 of plaintiff’s (second) “first set” of interrogatories. *See* Court’s memorandum opinion and order of April 14, 2020. (Doc. 153.) To the extent not objected to, Retzlaff makes the following answers under oath in accordance with FED. R. CIV. P. 33(b)(3).

**INTERROGATORY NO. 3:**

Identify any persons who have care and control over BV Files. This includes, but is not limited to:

- (a) The person who owns the following domain name: viaviewfiles.net.<sup>1</sup>
- (b) The person who pay, or who previously paid for, the registration of the following domain name: viaviewfiles.net.
- (c) Persons who provide, or who previously provided, website hosting services for BV Files.

---

<sup>1</sup> Retzlaff originally objected that the answer this discrete subpart of Van Dyke’s Interrogatory No. 3 was “equally available” to Van Dyke, “as the owners of domain names are public information.” (Doc. 156, Part II(B).) The Court was “not persuaded” that this objection was valid. Citing *Tango Transp., L.L.C. v. Transp. Int’l Pool, Inc.*, 2009 WL 2390312 at \*2 (W.D.La. 2009), the Court held, “The fact that a party could find the information does not necessarily mean the information is not discoverable.” Retzlaff construes the Court’s ruling to mean that his objection to Van Dyke’s Interrogatory 3(a) is overruled and that Retzlaff must answer fully without objection.



- (d) Persons who pay for, or who previously paid for, website hosting services for BV Files.
- (e) Persons who pay for, or who previously paid for, services provided to BV Files by Cloudflare, Inc.
- (f) Persons capable of publishing, changing, moderating or editing of any content displayed on BV Files, except in the “comments” section.

RESPONSE: **Objection.** The information sought is not relevant to any party’s claims or defenses and not reasonably calculated to the lead to the discovery of admissible evidence. FED. R. CIV. P. 26(b)(1). The request is vague and ambiguous.

**Answer.** In accordance with the Court’s April 14, 2020, ruling, Retzlaff answers Interrogatory 3(a) that, according to publicly available information,<sup>2</sup> the registered owner of the domain name “viaviewfiles.net” is OnlineNIC, Inc.

Secondly, without waiving any of his assertions of privilege below, Retzlaff says: James McGibney has repeatedly accused Neal Rauhauser, Lora Lusher, Lane Lipton, Jennifer D’Alessandro, some pseudonymous individuals he has identified as “Jane Does 1-5,” and me of acting as a group and having group care and control over the *BV Files* blog. I have repeatedly denied this allegation before and do so again now. I am not in a conspiracy with any individuals to do anything. Before James McGibney sued me in 2014, I had never heard of my co-defendants or had any contact with them.

#### **Assertions of Privilege.**

- (i) As to Interrogatory 3(b)-(f),<sup>3</sup> Retzlaff declines to respond because the First Amendment to the U.S. Constitution has been repeatedly construed to prevent compulsory disclosure of the identities of anonymous speakers. *Watchtower Bible and Tract Soc. of New York v. Village of Stratton*, 536 U.S. 150, 166-67 (2002); *Buckley v. American Constitutional Law Foundation, Inc.*, 525 U.S. 182 (1999). “Under our Constitution, anonymous pamphleteering is not a pernicious, fraudulent practice, but an honorable tradition of advocacy and dissent.” *McIntyre v. Ohio Elections Comm.*, 514 U.S. 334, 356 (1995). A court order—even when issued at the behest of a private party—constitutes state action. *New York Times v. Sullivan*, 364 U.S. 254, 265 (1964). Thus, the amputation of a speaker’s First Amendment right of anonymity is subject to limitations with constitutional timbre. It is well settled that this principle applies equally to anonymous speech on the Internet. *Reno v. ACLU*, 521 U.S. 844, 853

<sup>2</sup> See, e.g., [www.whois.net](http://www.whois.net), last accessed April 27, 2020.

<sup>3</sup> Retzlaff did not previously answer or object to these requests as they exceeded the maximum number of 25 interrogatories a party may serve.



(1997); *see also ApolloMedia Corp. v. Reno*, 19 F. Supp. 1081 (N.D. Cal. 1998) (protecting anonymous denizens of [www.annoy.com](http://www.annoy.com), a website “created and designed to annoy” legislators), *aff’d by ApolloMedia Corp. v. Reno*, 526 U.S. 1061 (1999). Because compelled identification affects the First Amendment right of anonymous speakers to remain anonymous, justification for an incursion upon that right requires proof of a compelling interest. *McIntyre*, 514 U.S. at 347. Among other things, a person seeking to discover the identity of an anonymous speaker has the burden to show that disclosure of the identity of the anonymous speaker is necessary because the party seeking disclosure is likely to prevail on all other issues in the case. *See United States v. Caporale*, 806 F.2d 1487 (11<sup>th</sup> Cir. 1986); *Miller v. Transamerican Press*, 621 F.2d 721, 726 (5<sup>th</sup> Cir. 1980). Until plaintiff has made such showing, compelled disclosure of information that would destroy the speaker’s anonymity is premature.

- (ii) Retzlaff further declines to respond pursuant to his rights under the Fifth Amendment due to Van Dyke’s having made police reports against Retzlaff regarding the subject of this discovery request. Van Dyke has alleged that the individuals responsible for this blog are engaging in acts that constitute “criminal stalking”, “terrorist threats,” and “identity theft,” and claims Retzlaff is involved. *See* attached Exhibits 1 and 2 to the previous version of this answer; *see also* plaintiff’s live pleading. (Doc. 113, ¶ 5.3.)

Respectfully submitted,

**HANSZEN  LAPORTE**

By:                     /s/ Jeffrey L. Dorrell                    

**JEFFREY L. DORRELL**

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FAX: 713-524-2580

**ATTORNEYS FOR DEFENDANT TOM RETZLAFF**

### **CERTIFICATE OF SERVICE**

I certify that on 6-28, 2020, the foregoing interrogatories were electronically served upon Jason Van Dyke by e-mail.

Mr. Jason Lee Van Dyke  
Plaintiff, Pro Se  
P.O. Box 2618  
Decatur, Texas 76234  
Telephone: 940-305-9242  
[jasonleevandyke@protonmail.com](mailto:jasonleevandyke@protonmail.com)

/s/ Jeffrey L. Dorrell  
**JEFFREY L. DORRELL**

## DECLARATION OF TOM RETZLAFF

1. “My name is Tom Retzlaff. I am more than 18 years of age and capable of making this declaration. I am the named defendant in the suit in which this affidavit is filed. I declare under penalty of perjury that the facts stated in the foregoing amended and supplemental answers to plaintiff’s interrogatories are within my personal knowledge and are true and correct.”

EXECUTED June 28, 2020



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TOM RETZLAFF